

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

THOMAS L. WILLIAMS,

Plaintiff

Case No. 3:23-cv-00511-ART-CSD

ORDER

v.

STATE OF NEVADA, et al.,

Defendants

I. DISCUSSION

On October 31, 2023, the Court issued an order directing Plaintiff to file one of the following by November 30, 2023: (1) a notice voluntarily dismissing this action to pursue his claims in a different case, (2) a notice stating he wishes to proceed on the 42 U.S.C. § 1983 complaint docketed in this case, or (3) a notice withdrawing the § 1983 complaint and filing a petition for writ of habeas corpus under 28 U.S.C. § 2241 in this case. (ECF No. 4 at 2). The Court also directed Plaintiff to pay the appropriate filing fee for this action or submit a fully complete application to proceed *in forma pauperis* by November 30, 2023. (*Id.* at 2-3).

Plaintiff did not file a notice and did not pay the filing fee or file an application to proceed *in forma pauperis*. Instead, Plaintiff filed a letter stating that he filed a writ of habeas corpus in this case and that he did file an application to proceed *in forma pauperis*. (ECF Nos. 5-1, 5-2). Plaintiff also states that he did not receive file-stamped copies of his documents. (ECF No. 5-2).

As an initial matter, the Court will resend Plaintiff a copy of the October 31, 2023, order explaining the deficiencies in Plaintiff's filings. Plaintiff will have until January 31, 2024, to file one of the following: (1) a notice voluntarily dismissing this action to pursue his claims in a different case, (2) a notice stating he wishes to proceed on the 42 U.S.C. § 1983 complaint docketed in this case, or (3) a notice withdrawing the § 1983 complaint and filing a petition for writ of habeas corpus under 28 U.S.C. § 2241 in this case. The

1 Court has not received any application to proceed *in forma pauperis* in this case. As
2 such, on or before January 31, 2024, Plaintiff will either pay the full filing fee for either a
3 civil rights action (\$402) or habeas action (\$5), or file a fully complete application to
4 proceed *in forma pauperis* with all three required documents: a completed application
5 with the inmate's two signatures on page 3, a completed financial certificate that is signed
6 both by the inmate and the prison or jail official, and a copy of the inmate's trust fund
7 account statement for the previous six-month period.

8 Additionally, pursuant to Nevada Local Rule 10-1, a "pro se party who wishes to
9 receive a file-stamped copy of any pleading or other paper must submit one additional
10 copy and, if by mail, a self-addressed, postage-paid envelope. A party who is granted
11 leave to proceed *in forma pauperis* need not submit a self-addressed, postage-paid
12 envelope."

13 II. CONCLUSION

14 It is therefore ordered that the Clerk of the Court will send Plaintiff courtesy copies
15 of the October 31, 2023, order (ECF No. 4), complaint (ECF No. 1-1), a copy of the docket
16 sheet, and the approved forms and instructions for filing a § 1983 complaint, a petition for
17 writ of habeas corpus under § 2241, and an application to proceed *in forma pauperis* for
18 inmates.

19 It is further ordered that **on or before January 31, 2024**, Plaintiff will file one of the
20 following: (1) a notice voluntarily dismissing this action, (2) a notice stating he wishes to
21 proceed on the § 1983 complaint docketed in this case, or (3) a notice withdrawing the §
22 1983 complaint and filing a petition for writ of habeas corpus under 28 U.S.C. § 2241 in
23 this case.

24 It is further ordered that **on or before January 31, 2024**, Plaintiff will either pay
25 the full filing fee for either a civil rights action (\$402) or habeas action (\$5), or file a fully
26 complete application to proceed *in forma pauperis* with all three required documents: a
27 completed application with the inmate's two signatures on page 3, a completed financial
28 certificate that is signed both by the inmate and the prison or jail official, and a copy of

1 the inmate's trust fund account statement for the previous six-month period.

2 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
3 he fails to timely comply with this order. A dismissal without prejudice allows Plaintiff to
4 refile the case with the Court, under a new case number, when he can file a signed
5 complaint or petition and either pay the required filing fee or apply for *in forma pauperis*
6 status.

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8 DATED THIS 14th day of December 2023.

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10 UNITED STATES MAGISTRATE JUDGE
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